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Transcript Exhibit(s)

Docket #(s): RR-036391A-09-0373

Exhibit #: A1-A5, S1

AZ CORP COMMISSION
DOCKET CONTROL

2009 DEC - 31 P 4: 21

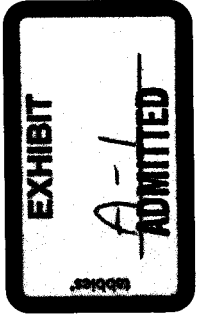
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Arizona Corporation Commission

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PROPOSED DOWNTOWN RAILROAD QUIET ZONE 3RD AVE TO 4TH ST



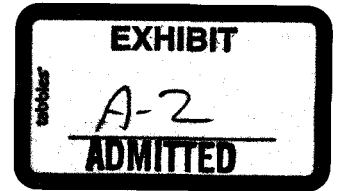
- Proposed Quiet Zone Corridors
- Union Pacific Railroad
- METRO Light Rail Line
- Signage & Striping Only
- Physical Improvements





City of Phoenix

Community and Economic Development Department



September 2009

Notice of Downtown Railroad Quiet Zone Establishment

Dear Property Owner,

This letter is to provide notification that an Annual Review Railroad Quiet Zone (ARRQZ) will be established by the end of October 2009 in the downtown area. In an effort to minimize train horn noise, the city of Phoenix in coordination with the Downtown Phoenix Partnership, has applied for the establishment of an ARRQZ from 3rd Avenue to 4th Street along the Union Pacific rail line which is located south of Jackson Street. Federal law provides for the creation of train horn "quiet zones," which require a number of safety measures in order to reduce train horn usage by adding signage and physical safety improvements. The ARRQZ does not include any other portions of that rail line or other nearby rail lines.

The ARRQZ designation limits the use of train horns to emergency situations such as a car on the tracks or someone walking too close to the rail line. The horn restriction will be applicable to seven vehicular and pedestrian intersections located between 3rd Avenue and 4th Street. Although this area will be designated a quiet zone, pursuant to federal law, quiet zone status is determined by a Nationwide Significant Risk Threshold and continued qualification for quiet zone status is subject to annual federal review. This means in the future the designation could potentially go away and horns would again be sounded at each intersection.

Please review the enclosed Railroad Crossing Safety brochure for more information and safety tips about railroad crossings. Once the ARRQZ is in effect there will be no requirement for the train horns to be used at the seven crossings between 3rd Avenue and 4th Street except for emergency situations. Railroad crossing gates, lights and bells will still operate as normal. Always look both directions before crossing the tracks. If you have any questions or would like more information please contact Rob Cox at 602-534-6122 or rob.cox@phoenix.gov.

Sincerely,

Jason Harris
Deputy Director, Community and Economic Development Department

Attachment: Railroad Crossing Safety brochure

CC: Mark Glock, Street Transportation Department
Dan Klocke, Downtown Phoenix Partnership



City of Phoenix

Community and Economic Development Department

septiembre 2009

Notificación de nuevas zonas de silencio en los cruces del ferrocarril

Por medio de la presente, notificamos que a finales del mes de octubre del 2009, nuevas zonas de silencio serán puestas en práctica en una zona específica del centro de Phoenix. Después de llevar a cabo un procedimiento de revisión anual, ó ARRQZ por sus siglas en ingles, la Municipalidad de Phoenix en coordinación con la Asociación del Centro de Phoenix, procesó una aplicación ante autoridades correspondientes para la creación de nuevas zonas de silencio en cruces del ferrocarril entre la Avenida 3 y la Calle 4 (al sur de la calle Jackson continúa a las vías del tren de la empresa Union Pacific). **Estas nuevas zonas de silencio fueron propuestas en un esfuerzo por minimizar el ruido generado por el claxon ó cornetas de los ferrocarriles en operación.** Las leyes a nivel federal apoyan la creación de estas zonas de silencio, las cuales requieren de diversas medidas preventivas como las de agregar mas señalamientos de prevención y llevar a cabo mejoras en los equipos y dispositivos de seguridad.

De manera mas precisa, le comunicamos que dichas restricciones serán aplicadas en siete cruces del ferrocarril entre la avenida 3 y la calle 4 del centro de Phoenix. Aunque las áreas propuestas como zonas de silencio se aprueban de acuerdo a lo que concluyen las leyes federales, son los resultados estadísticos obtenidos por la Nationwide Significant Risk Threshold, lo que determina un proceso de revisión anual y modificaciones propuestas. **Es importante mencionar que aunque exista la aprobación de una zona de silencio, los ferrocarriles siempre podrán hacer uso de su claxon o cornetas en situaciones de emergencia como cuando un carro se encuentre sobre las vías del ferrocarril, ó alguien se encuentre caminando cerca o sobre las mismas.**

Como parte de este comunicado, le pedimos que revise este importante folleto de información que anexamos. **Le recordamos que una vez que una zona de silencio ha sido aprobada, no existirán excepciones para que los ferrocarriles hagan uso de su claxon ó cornetas en los siete cruces propuestos, a excepción de las situaciones de emergencia mencionadas.** Las barras de seguridad, luces, y campanas de alerta operarán de manera normal. Siempre volteé a ambas direcciones antes de cruzar las vías del ferrocarril. Si tiene alguna pregunta o desea obtener mas información, por favor contacte a Rob Cox al (602) 534-6122 rob.cox@phoenix.gov.

Jason Harris,
Subdirector del Departamento de Desarrollo Económico y de la Comunidad de Phoenix

Documento anexados: Consejos de Seguridad en los Cruces del Ferrocarril

CC: Mark Glock, Departamento de Calles y Transportes
Dan Klocke, Asociación de Centro de Phoenix.

Prevención de zonas de silencio para conductores y peatones

Zonas de silencio. Zonas de silencio han sido creadas en áreas de tránsito del tren bajo los estándares de leyes federales, regulaciones y medidas de seguridad obligatorias. Haga de su conocimiento que mientras la advertencia de zona de silencio este activa ó en operación, los trenes no sonaran su claxon en las siguientes intersecciones:

- **Calle 1**
- **Calle 2**
- **Calle 3**
- **Calle 4**
- **Avenida 1 (en cruce de peatones)**
- **Avenida 2**
- **Avenida 3**

Con lo que respecta a otras calles y avenidas, las campanillas de advertencia seguirán funcionando normalmente. La zona de silencio será efectuada entre Septiembre y Octubre del 2009.



MANTENGASE ALERTO



City of Phoenix

Consejos de seguridad en las áreas de cruce del ferrocarril

- Nunca trate de esquivar ó manejar alrededor de la barra de seguridad, esto es ilegal y peligroso.
- Nunca camine sobre las vías del tren.
- Solo camine por las vías del tren en áreas donde le sea autorizado.
- Mantengase alerta y obedezca todos los señalamientos.
- Nunca trate de competir o ganarle al tren en las áreas de cruce. Aún cuando usted piense que le puede ganar en velocidad, el tren siempre llevará ventaja.
- Sálgase de su vehículo si llegase a quedar parado en el cruce por accidente. Rápidamente marque al 911 para reportar la situación de emergencia.
- Siempre considere que habrá un tren viniendo en cada cruce.
- Siempre volteé a ambas direcciones antes de cruzar las vías del ferrocarril.

Municipalidad de Phoenix
Departamento de Desarrollo Económico y de la Comunidad
200 W. Washington St., 20th floor
Phoenix, AZ 85003
Tel: 602-534-7143
Fax: 602-534-7140 | TTY: 602-534-3476
downtown@phoenix.gov

Consejos de Seguridad

En los cruces del ferrocarril y áreas de peatones

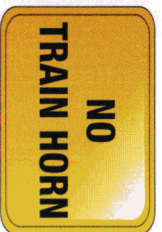
PHOENIX, ARIZONA



www.phoenix.gov

Señales y equipo de advertencia:

Un cruce de tren es considerado donde una calle interseca con la vía del tren. Para su seguridad, en cada cruce del tren hemos instalado letreros y señales de advertencia iluminados, que alertarán a conductores y peatones de la proximidad de un tren. Los letreros podrán ser de la siguiente manera:



Letreros de advertencia

Los letreros de advertencia serán normalmente los señalamientos que usted podrá distinguir cuando se aproxime a un cruce del ferrocarril. Estos señalamientos serán puestos a una distancia adecuada para que los conductores anticipen dicha intersección. De esta forma los vehículos deberán disminuir su velocidad al aproximarse a dicha zona.

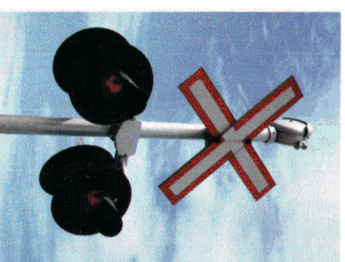
Letrero de cruz

Los letreros de cruz normalmente están localizados en calles que intersecan con el tren. Conductores deberán obligatoriamente darle el paso al tren cuando este se encuentre en curso.



Señales de luz roja preventiva

Cuando la luz roja se encuentre parpadeando y el sonido de las campanas este en operación, usted deberá hacer un ALTO ya que un tren se acerca. Los conductores están obligados a ceder el paso al tren.



Barras de seguridad

Los cruces del tren tendrán barras de seguridad iluminadas y ambientadas al mismo tiempo con



campanas sonando. Usted deberá parar cuando las luces comiencen a parpadear y aún cuando la barra de seguridad no se encuentre totalmente abajo. Permanezca parado hasta que la barra de seguridad se levante y las luces dejen de parpadear. Siempre voltee hacia ambos lados una vez que usted pueda proceder, asegurándose de que la vía o vías estén despejadas.

Peatones y Vehículos Especiales:

Peatones. Tanto peatones como choferes deberán seguir las mismas leyes y reglamentos de advertencia. Legalmente, los peatones deberán ceder el paso al tren. Los peatones deberán parar y esperar cuando las luces rojas se encuentren parpadeando y las barras de seguridad estén abajo. Manténganse en alto hasta que las luces de advertencia dejen de parpadear. Siempre observe hacia ambos lados y asegúrese de que no venga el tren antes de proceder.

Motociclistas. Los motociclistas deberán reducir su velocidad al acercarse a los cruces del tren. Tenga en mente que en estos cruces existen superficies desiguales en el pavimento o suelo, y siempre trate de cruzar las vías de manera recta o en un ángulo de 90 grados.

Autobuses y Camiones. Tanto camiones escolares y de carga, deberán parar siempre en cada cruce del tren. El alto deberá ser gradualmente para evitar choques en la parte trasera de estos camiones. Eventualmente el conductor deberá fijarse en cada dirección para ver si viene el tren y proceder cuando se asegure de que no venga el mismo. Antes de proceder, el chofer deberá asegurarse de tener suficiente tiempo y espacio para proseguir su camino en el cruce.

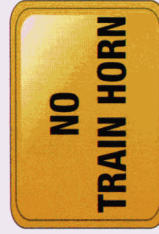


Quiet Zone Awareness: Drivers and Pedestrians

Quiet Zone. A railroad quiet zone has been established in compliance with federal laws, regulations and mandatory safety measures. As long as the railroad quiet zone is in effect, trains will no longer sound their horns (except in emergencies) at:

- **4th Street**
- **3rd Street**
- **2nd Street**
- **1st Street**
- **1st Avenue (Pedestrian Crossing)**
- **2nd Avenue**
- **3rd Avenue**

All crossing gates and bells will continue to function when trains are in the area. The Quiet Zone will go into effect between September and October 2009.



BE ALERT AND BE SAFE



City of Phoenix

Rail Grade Crossing Safety Tips

- Never drive around lowered gates-It's illegal and dangerous.
- Never walk down a train track. Trains cannot stop quick enough to avoid collision.
- Cross tracks **ONLY** at designated Pedestrian or roadway crossings.
- Observe and obey all warning signs and signals.
- Never race a train to a crossing-even if you tie, you lose.
- Get out of your vehicle if stalled on a crossing. Call 911 to report the emergency situation.
- Always expect a train at every crossing.
- Be extra alert as trains in downtown Phoenix will no longer sound their horns at certain rail crossings.
- Look both directions before crossing the tracks.

City of Phoenix
Community and Economic Development Dept
200 W. Washington St., 20th floor
Phoenix, AZ 85003

Tel: 602-534-7143

Fax: 602-534-7140 | TTY: 602-534-3476

downtown@phoenix.gov

Safety Tips

At Roadway-Rail

&

Pedestrian-Rail Grade Crossings

PHOENIX, ARIZONA



www.phoenix.gov

Warning Signs and Devices:

Rail grade crossings are locations where a roadway intersects with a train track. For your safety, each rail crossing has safety warning devices installed to alert drivers and pedestrians of an approaching train. Learn more about warning signs and safety devices and always expect a train when approaching a rail crossing.



Advance Warning Signs

The advance warning sign is usually the first sign you see when approaching a roadway-rail grade crossing. It is located an adequate distance to allow a driver to stop before reaching the crossing. The advance warning signs advise you to slow down and be aware that you will soon reach a rail grade crossing, and that in the Quiet Zone, no train horns will be sounded.

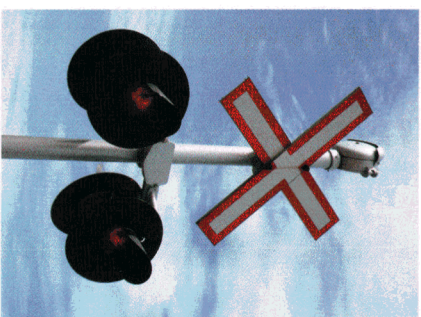
Crossbuck Sign

Crossbuck signs are located at roadway-rail grade crossings. Drivers are legally required to yield the right-of-way to trains.



Flashing Red Light Signals

When the red lights flash and bells activate, STOP—a train is approaching! Drivers are legally required to yield the right-of-way to trains.



Gates

Grade crossings have gates with flashing red lights and bells. Stop when the lights begin



to flash and before the gate lowers across your lane. Remain stopped until the gate goes up and lights stop flashing. Look both ways to be sure the tracks are clear and proceed when it is safe. Where there is more than one track, check that all tracks are clear before proceeding.

Pedestrians & Special Vehicles

Pedestrians.

Pedestrians must follow the same laws as drivers when approaching roadway-rail grade crossings. Pedestrians are legally required to yield the right-of-way to a train. Pedestrians must stop and wait when any flashing red light signal or gate is activated. Remain stopped until lights stop flashing. Look both ways to be sure the tracks are clear and proceed when safe.

Motorcycles.

Motorcycles should approach all roadway-rail intersections very slowly. Be cautious of a possible rough crossing surface and cross the tracks at as close as possible to a 90 degree angle.

Buses and Trucks.

All school and commercial buses and tall trucks carrying hazardous materials are required to stop at every roadway-rail crossing. Stop gradually to avoid being rear-ended. The driver must look in each direction for approaching trains and cross only when it is safe to do so. Before crossing, be sure there is enough space to clear the tracks on the other side if a stop becomes necessary and never change gears when crossing the tracks.



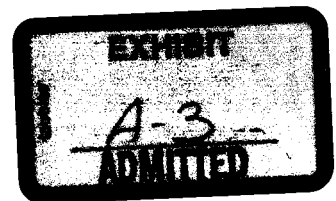
City of Phoenix

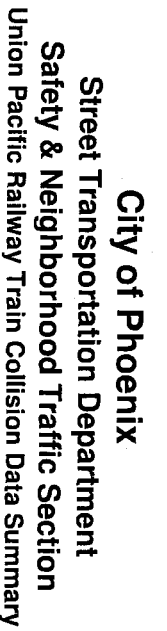


City of Phoenix

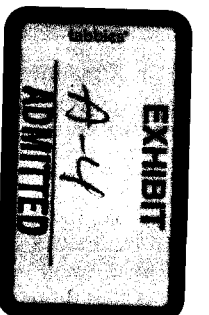
Downtown Quiet Zone Public Outreach Schedule

1. March 10, Grant Park Neighborhood Association @ 6:00 p.m. El Portal Restaurant, 117 W. Grant Street
2. March 12, HOPE VI Combined Association Meeting @ 5:30 p.m.
3. March 12, Stadium Lofts HOA @ 6:00 p.m. Room 211
4. March 24, The Summit HOA @ 6:00 p.m.
5. March 6, DPP Sent Job Corps Update/Notification email with Safety Brochure to follow. Job Corps will review with staff and students.
6. September 21, City of Phoenix met with Maricopa County to give a project update and provide notification letter and safety brochure in English and Spanish.



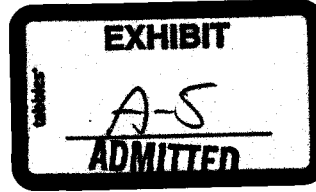


Source: ADOT ALISS Database



OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
200 WEST WASHINGTON, SUITE 1300
PHOENIX, ARIZONA 85003-1611
(602) 262-6761

OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
State Bar No. 005515
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DANIEL L. BROWN, State Bar No. 013778
Assistant Chief Counsel
Email: daniel.l.brown@phoenix.gov

Attorneys for Applicant City of Phoenix

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION OF
THE CITY OF PHOENIX TO CLOSE THE
EAST SIDE OF THE 1ST AVENUE RAILROAD
PEDESTRIAN CROSSING AT THE TRACKS
OF THE UNION PACIFIC RAILROAD
BETWEEN JACKSON STREET AND
BUCHANAN STREET, IN THE CITY OF
PHOENIX, MARICOPA COUNTY, ARIZONA,
AT AAR/DOT NO. 741-472-S.

DOCKET NO. RR-03639A-09-0373

**APPLICANT CITY OF PHOENIX'S
NOTICE OF REFILEING VERIFICATIONS
FOR DAN KLOCKE, JENNY L. GROTE,
AND MICHAEL J. CYNECKI**

Applicant City of Phoenix hereby resubmits the verifications of Dan
Klocke, Jenny L. Grote, and Michael J. Cynecki to Applicant City of Phoenix's
Response to Staff's First Set of Data Requests filed September 30, 2009. These
verifications filed on September 30, 2009, did not bear the notary public seal.

///

1 RESPECTFULLY SUBMITTED this 1st day of October, 2009.

2 GARY VERBURG, City Attorney

3
4 By 

DANIEL L. BROWN

200 W. Washington, Suite 1300

Phoenix, Arizona 85003-1611

Attorneys for Applicant City of Phoenix

6 ORIGINAL and 13 copies delivered
7 this 1st day of October, 2009, to:

8 Docket Control Center
9 Arizona Corporation Commission
10 1200 W. Washington Street
Phoenix, Arizona 85007

11 COPIES of the foregoing mailed/delivered
12 this 1st day of October, 2009, to:

13 Honorable Marc E. Stern
14 Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

15 Aziz Aman, Manager of Special Projects
16 Union Pacific Railroad Company
2073 E. Jade Drive
17 Chandler, Arizona 85286-4898

18 Robert Travis, PE, State Railroad Liaison
19 Utilities & Railroad Engineering Section
Arizona Department of Transportation
20 205 South 17th Avenue, Room 357
Mail Drop 618E
21 Phoenix, Arizona 85007-3212

22 ///

23 ///

24 ///


OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
200 WEST WASHINGTON, SUITE 1300
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(602) 262-6761

1 COPIES also sent via e-mail this 1st
2 day of October, 2009, to:

3 Janice Alward, Chief Counsel
4 Charles Hains, Staff Counsel
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, Arizona 85007
8 E-Mail: chains@azcc.gov

9 Brian Lehman, Chief
10 Chris Watson
11 Railroad Safety Section
12 Arizona Corporation Commission
13 1200 W. Washington Street
14 Phoenix, Arizona 85007
15 E-Mail: cwatson@azcc.gov

16 By: 
17 DLB/tks/826078
18
19
20
21
22
23
24

VERIFICATION

STATE OF ARIZONA)
)
County of Maricopa) ss.

DAN KLOCKE, being duly sworn upon his oath, deposes and states as follows:

1. That he is Director of Planning and Economic Development for the Downtown Phoenix Partnership, which is working with the City of Phoenix to establish a railroad horn quiet zone in downtown Phoenix;

2. That he has read Staff's First Set of Data Requests received by the City of Phoenix in this matter;

3. That he has read the foregoing responses in Applicant City of Phoenix's response and knows the contents thereof; and

4. That he provided the information responding to data request nos. 1.1, 1.4, and 1.10, and the responses that inquire of matters within his personal knowledge are true and correct.

Dan Klocke
DAN KLOCKE

SUBSCRIBED AND SWORN to before me this 1 day of October, 2009, by Dan Klocke.

Trina K. Scoll
NOTARY PUBLIC

My Commission Expires:

August 30, 2010



VERIFICATION

STATE OF ARIZONA)
County of Maricopa) ss.

JENNY L. GROTE, being duly sworn upon her oath, deposes and states as follows:

1. That she is a Traffic Engineering Supervisor with the City of Phoenix Street Transportation Department;

2. That she has read Staff's First Set of Data Requests received by the City of Phoenix in this matter;

3. That she has read the foregoing responses in Applicant City of Phoenix's response and knows the contents thereof; and

4. That she provided the information responding to data request nos. 1.8 and 1.9, and the responses that inquire of matters within her personal knowledge are true and correct.

Jenny L. Grote
JENNY L. GROTE

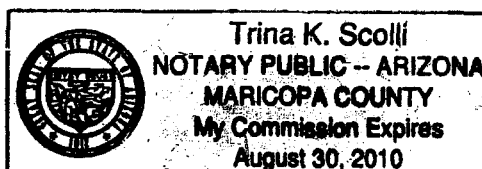
SUBSCRIBED AND SWORN to before me this 1st day of October, 2009, by

Jenny L. Grote.

Trina K. Scoll
NOTARY PUBLIC

My Commission Expires:

August 30, 2010



VERIFICATION

STATE OF ARIZONA)
County of Maricopa) ss.

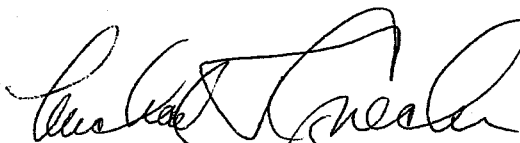
MICHAEL J. CYNECKI, being duly sworn upon his oath, deposes and states as follows:

1. That he is a Traffic Engineering Supervisor with the City of Phoenix Street Transportation Department;

2. That he has read Staff's First Set of Data Requests received by the City of Phoenix in this matter;

3. That he has read the foregoing responses in Applicant City of Phoenix's response and knows the contents thereof; and

4. That he provided the information responding, in part, to data request no. 1.11 and the responses that inquire of matters within his personal knowledge are true and correct.

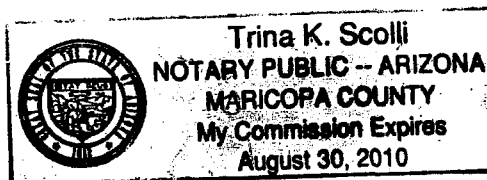

MICHAEL J. CYNECKI

SUBSCRIBED AND SWORN to before me this 1st day of October, 2009, by Michael J. Cynecki.

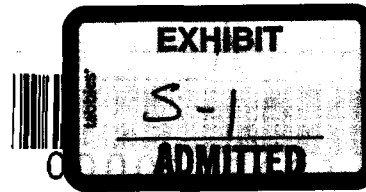

NOTARY PUBLIC

My Commission Expires:

August 30, 2010



ORIGINAL



Page 1 of 4

Staff Memorandum

20

RECEIVED

To: THE COMMISSION

From: Steve M. Olea
Interim Director
Safety Division

Date: October 9, 2009

RE: IN THE MATTER OF THE APPLICATION OF THE CITY OF PHOENIX TO CLOSE THE EAST SIDE OF THE 1ST AVENUE RAILROAD PEDESTRIAN CROSSING AT THE TRACKS OF THE UNION PACIFIC RAILROAD BETWEEN JACKSON STREET AND BUCHANAN STREET, IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT DOT NO. 741-472-S.

DOCKET NO. RR-03639A-09-0373

Background

On July 27, 2009, the City of Phoenix, ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to close an existing pedestrian crossing at the Railroad's tracks on the east side of the 1st Avenue roadway underpass between Jackson Street and Buchanan Street, in Phoenix, Arizona, at DOT No. 741-472-S. The City has jurisdiction at the pedestrian crossing where it crosses the Railroad's tracks.

Prior to 1987, 1st Avenue was a one-way, two-lane roadway running south, with an at-grade crossing at the Railroad's tracks. The at-grade crossing was equipped with flashing lights, automatic gate arms, bells and a cantilever. In 1987, the City completed a grade separation project that created a southbound one-way, three lane roadway under the Railroad's tracks. During the underpass project, two at-grade pedestrian crossings were created on the east and west sides of the underpass, rather than having walkways through the underpass. (See Attachment "A")

The pedestrian crossings are north/south paved walkways. (See Attachment "B") Automatic warning devices at the pedestrian crossings include flashing lights and bells. Commission Railroad Safety Staff ("Staff") records do not indicate a date in which the devices were installed, however Staff believes the approximate date was in 1988 after the completion of the 1st Avenue grade separation.

Geographical Information

The area around the pedestrian crossings is not densely populated with either residential uses or businesses. There are three residential complexes within one half mile of the railroad tracks and a few single family homes within one half mile of the proposed crossing closure. The three main residential complexes are the Summit, a

high-rise condominium (157 units); Campaigne Place, a single room occupancy complex (300 units); and Stadium Lofts, a condominium complex (32 units). There are approximately 5-10 industrial businesses within one-half mile, as well as 5-10 bars and restaurants.

The largest potential group of people using the crossings originates three blocks to the north of the railroad tracks where there are numerous governmental buildings located within a one-half mile radius. Also located within a one-half mile radius are US Airways Center and Chase Field. These sports complexes have events between 80 to 100 days per year. The vast majority of people who travel to and from these areas drive to work or to the events at the stadiums. The City performed a pedestrian traffic count on September 1, 2009. The results are as follows:

Tuesday, September 1, 2009 – 8:00 to 10:00 AM

East side crossing – 16 people

West side crossing – 6 people

Tuesday, September 1, 2009 – 4:00 – 6:00 PM

East side crossing – 18 people

West side crossing – 7 people

The day this count was taken, Maricopa County had the north sidewalk on Jackson Street and the west sidewalk on 1st Avenue temporarily closed for the construction of the County Court Tower Project. Due to the closure of the west sidewalk on 1st Avenue, pedestrians choose to use the east pedestrian crossing to cross the tracks. Alternative routes from the east pedestrian crossing include the west pedestrian crossing at 1st Avenue, approximately 150 feet to the west and to the east approximately 622 feet the crosswalk on the west side of 1st Street.

Points of Interest in the Area

The following points of interest are fully accessible by pedestrians even with the proposed closure of the east pedestrian crossing at 1st Avenue. The west pedestrian crossing, just 156 feet west of the east crossing will remain open. In addition, there is very limited pedestrian traffic going to these venues and complexes. The vast majority of people drive to the following:

- ✓ Campaigne Place: 700 feet
- ✓ Maricopa County Court Complex: 1,000 feet
- ✓ Stadium Lofts: 1,290 feet
- ✓ U.S. Airways Center: 2,441 feet
- ✓ Job Corps: 1,500 feet
- ✓ Phoenix City Hall: 2,250 feet
- ✓ The Summit: 1,800 feet
- ✓ Orpheum Theater: 2,400 feet
- ✓ Federal Court Building: 2,800 feet
- ✓ Dodge Theater: 2,850 feet
- ✓ Civic Plaza: 3,500 feet
- ✓ Chase Field: 2,600 feet

Why the Closure is Proposed

In response to Staff's First Set of Data Requests dated September 14, 2009, which asked the City to give a brief summary of why the pedestrian crossing should be closed, the City gave the following response:

Applicant requests the closure as part of establishing a quiet zone in downtown Phoenix. On November 16, 2005, there was a diagnostic field review meeting. There were representatives from the Federal Railroad Administration, Arizona Corporation Commission, ADOT Utility & RR Engineering, ADOT Planning, CBA Inc. (rail safety/quiet zone consultant), City of Phoenix Downtown Development Office, City of Phoenix Street Transportation, Downtown Phoenix Partnership, City of Phoenix Community and Economic Development Department, Summit at Copper Square, and Union Pacific Railroad. Based on information provided by Jim Smith, Union Pacific Railroad, this diagnostic team favored the permanent closure of the east pedestrian crossing as part of establishing a quiet zone in downtown Phoenix.

Upon receiving approval from the Commission for the closure of the east pedestrian crossing, the sidewalk approach will be removed, access to the crossing will be blocked, and the crossing warning devices and crossing surface will be removed. (See Attachment "C") Additionally, the west pedestrian crossing at 1st Avenue will be improved with fencing and a "pedestrian maze" to enhance safety. The pedestrian maze uses fencing to ensure pedestrians make at least one 180° turn before crossing the railway lines. Once the pedestrian enters the fenced area, this configuration forces the pedestrian to look both directions before crossing the railroad tracks. The cost for this work will be borne by the City; however, Staff is not aware of the exact amount for this project

Train Data

Data provided by the City regarding train movements through this crossing are as follows:

Train Count: Average of 13 trains per day

Train Speed: 20 mph

Thru Freight/Switching Moves: There are through train movements as well as switching operations through this crossing. Additionally, the Burlington Northern Santa Fe Railway operates on these tracks in order to interchange freight with the Railroad.

Schools and Bus Routes

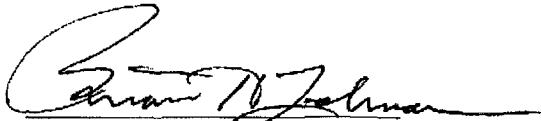
The following are the schools located within one mile of the proposed crossing closure:

- ✓ Dunbar School - 707 W Grant: 2,800 feet
- ✓ Lowell School - 1121 S 3rd Ave: 3,000 feet
- ✓ Children's First Academy - 376 N 6th Ave: 3,600 feet
- ✓ School for Integrated Academics and Technology –
518 E 3rd St: 3,800 feet
- ✓ Faith North - 910 E Washington: 4,200 feet
- ✓ AZ-Call-A-Teen- 649 N 6th Ave: 4,500 feet
- ✓ Phoenix University Public School - 735 E Fillmore: 4,800 feet
- ✓ Bioscience High School - 512 E Pierce: 4,900 feet
- ✓ Tertulia Pre-College Community - 812 N 6th Ave: 5,000 feet
- ✓ Career Success High School - 301 W Roosevelt: 5,100 feet
- ✓ Montessori Reed School - 909 N 1st ST: 5,100 feet
- ✓ Friendly House - 201 E Durango: 5,700 feet
- ✓ Herrera School - 1350 S 11th St: 5,700 feet

On two separate dates in September during early morning hours, Staff observed pedestrian traffic at the crossings and observed no school age children accessing the crossings. In addition, there are 8 Valley Metro Light Rail stops within one mile of this pedestrian crossing, and 43 Valley Metro Bus stops within one mile of the crossing.

Staff Conclusions

Due to the redundancy of the pedestrian crossings at 1st Avenue, along with on-going costs for maintenance, Staff believes that with the proposed improvements discussed above the proposed closure is warranted. Having reviewed all applicable data, Staff supports the east pedestrian at-grade crossing closure at 1st Avenue along with the improvements to the west pedestrian at-grade crossing. Staff believes that the crossing closure is in the public interest and is reasonable. Therefore, Staff recommends approval of the City's application.



Brian H. Lehman
Railroad Supervisor
Safety Division

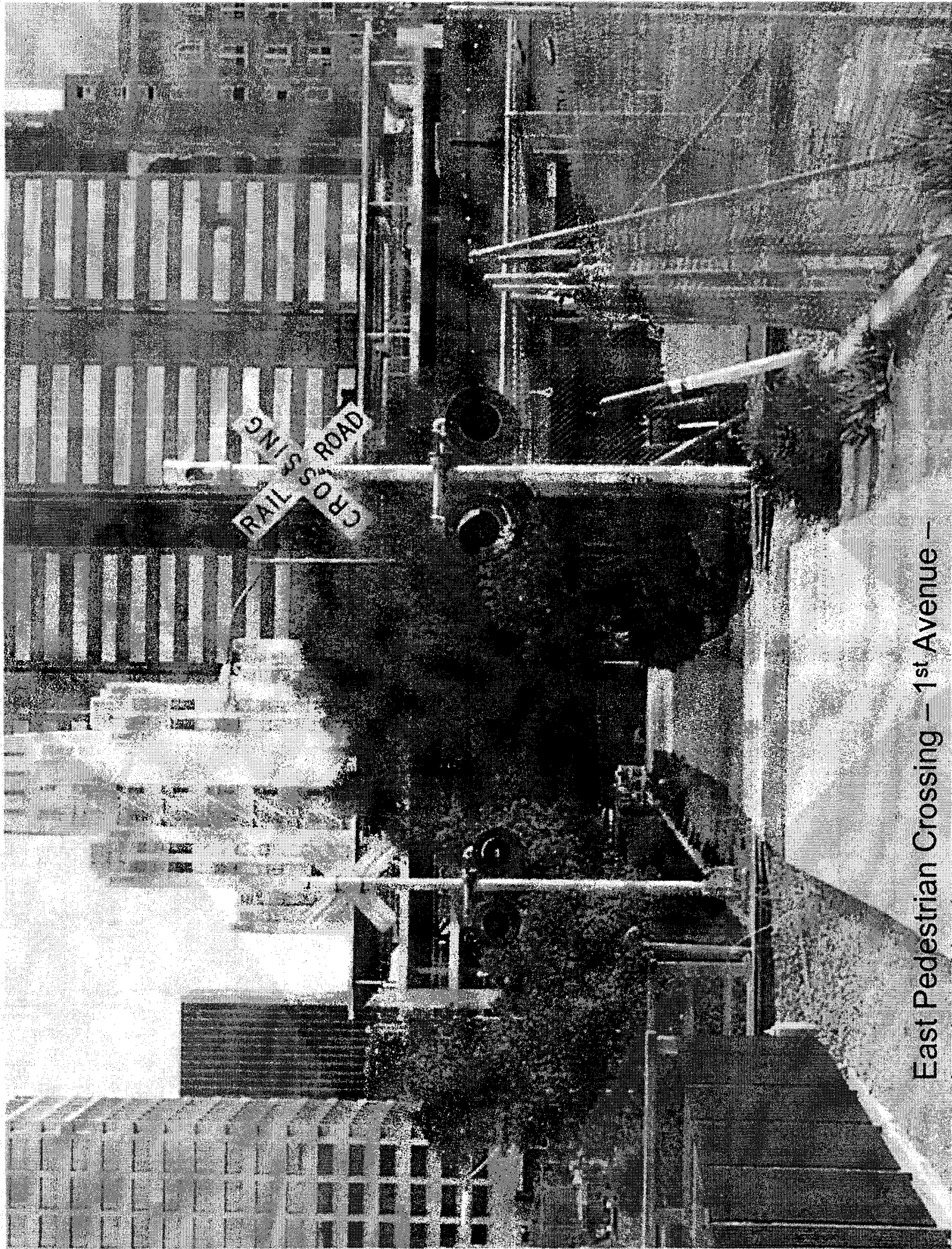
Originator: BHL

Attachment “A”

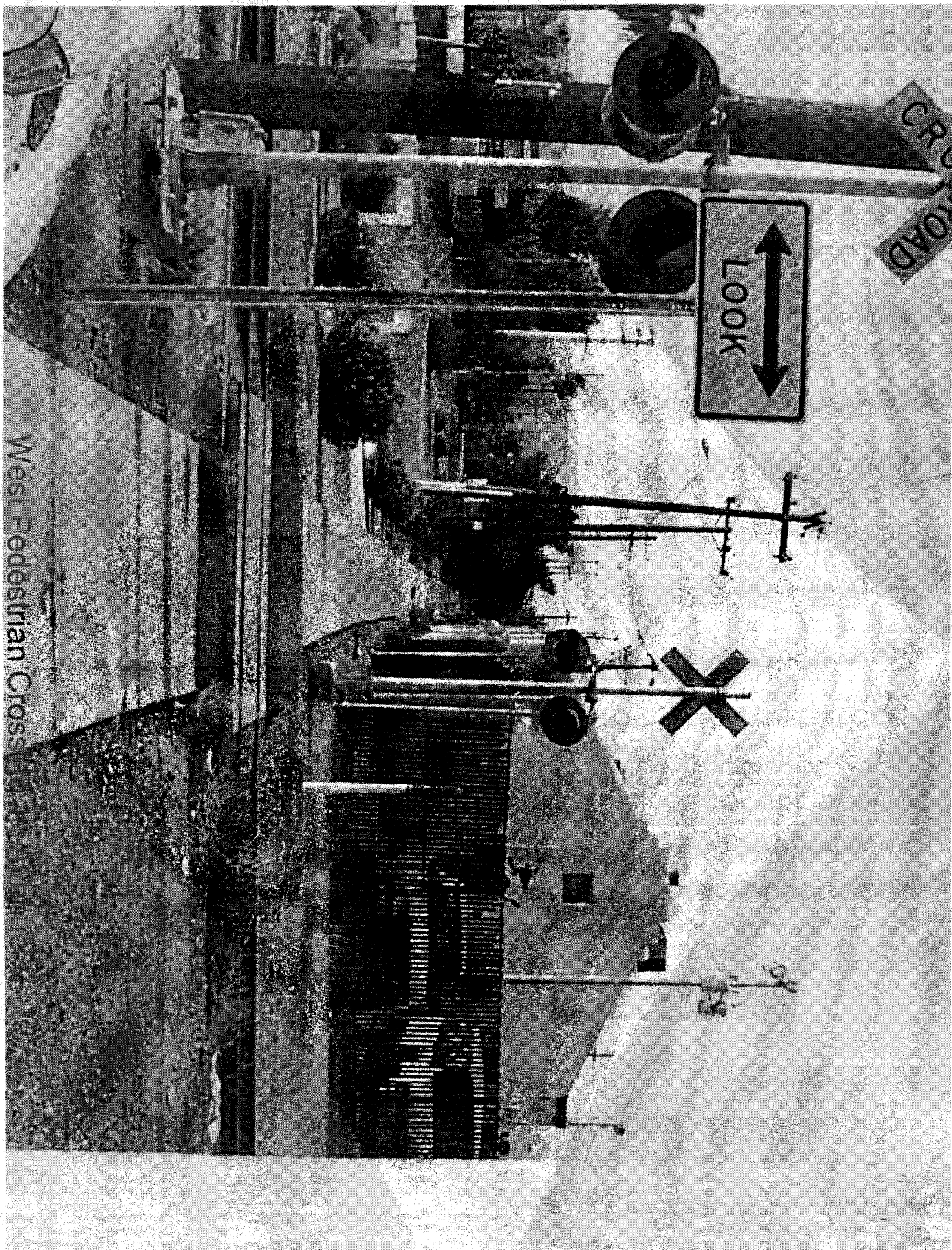


1st Avenue Underpass And Pedestrian Crossings

Attachment “B”



East Pedestrian Crossing – 1st Avenue –



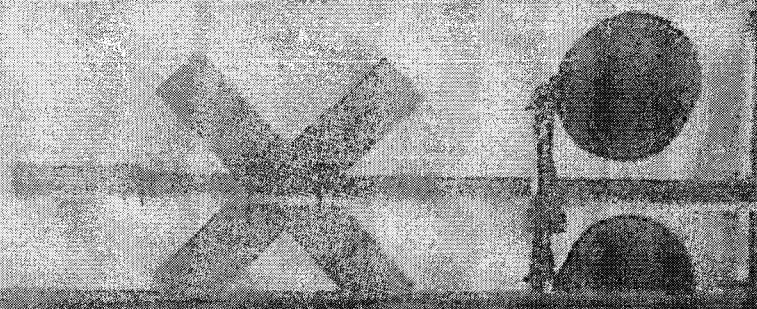
West Pedestrian Crossing at 4th St. and 1st St.

Attachment “C”

NOTICE

THE BOARD OF DIRECTORS OF THE ARIZONA POWER AND LIGHT COMPANY HAS DECIDED TO HOLD AN ANNUAL MEETING OF THE STOCKHOLDERS OF THE COMPANY ON WEDNESDAY, APRIL 22, 1936, AT 10:00 A.M. IN THE BOARD ROOM OF THE COMPANY, 121 WEST WASHINGTON STREET, PHOENIX, ARIZONA. THE BOARD OF DIRECTORS HAS ALSO DECIDED TO HOLD AN ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY ON WEDNESDAY, APRIL 22, 1936, AT 10:00 A.M. IN THE BOARD ROOM OF THE COMPANY, 121 WEST WASHINGTON STREET, PHOENIX, ARIZONA.

THE BOARD OF DIRECTORS HAS ALSO DECIDED TO HOLD AN ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY ON WEDNESDAY, APRIL 22, 1936, AT 10:00 A.M. IN THE BOARD ROOM OF THE COMPANY, 121 WEST WASHINGTON STREET, PHOENIX, ARIZONA. THE BOARD OF DIRECTORS HAS ALSO DECIDED TO HOLD AN ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY ON WEDNESDAY, APRIL 22, 1936, AT 10:00 A.M. IN THE BOARD ROOM OF THE COMPANY, 121 WEST WASHINGTON STREET, PHOENIX, ARIZONA.



Docket No. RR-03639A-09-0373

Original and thirteen (13) copies
Of the foregoing were filed this
9th day of October, 2009 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
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Copy of the foregoing mailed
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